

SUBCHAPTER 10  
GENERAL REGULATIONS

**350-201. Appointment and Duties of Employees.** All the officers and employees of the city of Milwaukee, unless now otherwise provided by law, the charter of the city of Milwaukee or by ordinances, or unless otherwise provided in these general ordinances, shall be appointed by the head or heads of the respective departments to which they belong and shall perform such duties outside of those prescribed by law and the ordinances of the city, as the rules of the department may provide and the head or heads thereof may direct.

**350-203. Diversity, Equal Employment Opportunity and Affirmative Action.**

**1. DECLARATION OF POLICY.**

It is the policy of the city of Milwaukee to provide equal employment opportunities to all qualified persons without regard to their race, religion, color, age, disability, sex, national origin, sexual orientation, marital status, membership in the military reserves, creed, ancestry, arrest or conviction record, or use or nonuse of lawful products away from work. In adhering to this policy, the city complies with the Wisconsin Fair Employment Act, Title VII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act of 1990, and other applicable statutes and regulations relating to equal employment opportunities. This policy represents the city's commitment to a nondiscriminatory work environment for all qualified applicants and employees. The city of Milwaukee is an employer which values the diversity of its employees.

**2. DEFINITIONS.** In this section:

a. "Affirmative action" means, in employment, the screening of position descriptions and selection criteria to ensure the use of appropriate, job-related requirements; comprehensive and inclusive advertising and recruiting efforts; special or targeted recruiting in addition to traditional methods; training plans and programs, including on-the-job training; and gender-neutral and culturally bias-free criteria to be used when making employment decisions relating to recruitment, hiring, performance evaluation, promotion, transfers, training opportunities, compensation and other terms and conditions of employment and termination.

b. "Diversity" means, in addition to differences based on ethnicity, gender, age, religion, disability, national origin and sexual orientation, an infinite range of individuals' unique characteristics and experiences, such as communication styles, career, work, life experience, educational backgrounds and other variables. Diversity focuses on tapping the talents of people of different backgrounds, experiences and perspectives as a means of improving the workplace environment and productivity. Diversity awareness works to create an environment that recognizes values and utilizes the unique skills and abilities of all employees. The goal of diversity awareness is to create an inclusive, respectful and equitable work environment.

c. "Equal employment opportunity" means the equal and fair treatment of all qualified applicants and employees with regard to city employment practices, including, but not limited to, recruitment, selection, hiring, training, promotion, compensation, benefits, transfers, discipline, terms and conditions of employment, and layoffs.

**3. OFFICE OF DIVERSITY AND OUTREACH.** There is established, under the direction of the employee relations director, an office of diversity and outreach for the purpose of promoting the importance, benefit and necessity of maintaining diversity within the city's workforce and ensuring compliance with applicable policies, ordinances, statutes, laws and executive orders. The office of diversity and outreach shall have other duties pertinent thereto, including but not limited to:

a. Reviewing and assisting the development of diversity, equal employment opportunity, affirmative action plans of the various city departments to ensure that each plan is consistent with the overall city plan.

b. Maintaining statistics, which include, but are not limited to, the proportion of underrepresented group members at all levels and job classifications in the city's workforce and the availability of qualified underrepresented group members in the labor force of the relevant labor areas. The statistics shall indicate how each group has been affected by new hires, training opportunities, promotions and discipline.

c. Counseling employees, managers and others about diversity, equal employment opportunity and affirmative action issues in the workplace.

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d. Facilitating diversity related training programs and workplace mediation.

e. Receiving and investigating complaints of discriminatory employment practices, workplace violence, or of harassment in the workplace from city employees. If an investigation discloses a violation has occurred, the diversity and outreach officer shall work with department heads and managers to implement corrective action and resolve the situation.

f. Receiving and investigating complaints filed with the city equal rights commission regarding any resident who believes that he or she has been discriminated against in employment or housing within the city.

g. Receiving and investigating complaints filed with the fire and police commission regarding any citizen who believes he or she has been treated by an employee of the fire or police department in a manner that violates fire and police commission or departmental rules.

h. Identifying and maintaining comprehensive and effective recruitment methods that promote a diverse workforce.

i. Monitoring results of police and firefighter training, with emphasis on female and minority recruits.

j. Participating in performance examinations, job fairs, and police aide and fire cadet recruitment activities at high schools and other locations.

k. Working through a comprehensive community relations effort and public information program to enhance the image of the fire and police service.

L. Reviewing all state of Wisconsin and federal laws, rules and regulations concerning equal employment opportunities to ensure compliance.

**4. DIVERSITY AND OUTREACH OFFICER.** The diversity and outreach officer shall, under the direction of the employee relations director, manage the day-to-day operations of the office of diversity and outreach; perform complaint intake functions; investigate complaints; serve as the city's Americans with Disabilities Act coordinator; ensure compliance with applicable ordinances, statutes, laws and executive orders; have responsibility and authority for the development and implementation of a comprehensive

diversity, equal employment opportunity and affirmative action plan for the city; and function as the liaison between the fire and police departments, the fire and police commission, the media and the community.

**5. DEPARTMENT DIVERSITY, EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PLANS.** Each city department shall submit a diversity, equal employment opportunity and affirmative action plan every 2 years. The office of diversity and outreach shall provide guidelines and a time line for submitting the plans.

**6. CITYWIDE DIVERSITY, EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PLAN.**

a. The department of employee relations shall incorporate the individual departmental plans into a citywide diversity, equal employment opportunity and affirmative action plan that shall be submitted to the city service commission. This plan shall be prepared every 2 years.

b. Upon approval by the city service commission, the plan shall be submitted to the mayor and common council. Upon adoption, the plan shall be distributed to all city department heads.

### **7. IMPLEMENTATION .**

a. **Recruitment.** The department of employee relations shall practice comprehensive and inclusive advertising and recruiting efforts, which may include special recruiting targeting previously underrepresented groups, in addition to traditional recruiting methods.

b. **Training.** The department of employee relations shall develop training plans and programs, including on-the-job training, designed to develop the knowledge, skills and abilities essential for developing each employee's fullest potential. The department of employee relations shall develop and provide relevant training to increase employees' knowledge and awareness of laws and regulations, as well as the city's policies relating to diversity, equal employment opportunity and affirmative action and respecting diversity in the workplace.

c. **Testing, Selection, Placement and Promotion.** The department of employee relations shall review city testing, selection, placement and promotion policies to ensure that they comply with applicable laws and regulations relating to equal employment opportunities.

**8. ACCOUNTABILITY AND REPORTS.** The department of employee relations shall be responsible for the successful implementation and coordination of the citywide diversity, equal employment opportunity and affirmative action plan. In turn, each department head shall be accountable for the successful implementation of their departmental diversity, equal employment opportunity and affirmative action plan.

**350-204. Direct Deposit for Certain City Employees.** Those management and nonmanagement/nonrepresented employees who are capable of maintaining a financial relationship with a banking institution shall participate in the direct deposit of city pay checks.

**350-205. Flexible Spending Account.**

**1. ESTABLISHED.** There is established a flexible spending account program for city employees. The plan shall enable employees to fund with pre-tax dollars employee and dependent costs associated with coverage under existing city health and dental programs, a health care flexible spending arrangement and a dependent care assistance flexible spending arrangement. The plan shall be an eligible plan under sec. 125 of the internal revenue code. The plan shall be by specific written master agreement and salary reduction agreements executed by eligible employees which shall provide for reduction of such amount of compensation from employees' wages as is authorized by employee and the city for expenditure in accordance with the plan.

**2. ELIGIBILITY.** City management and nonrepresented employees eligible for benefits shall be eligible for participation in the flexible spending account plan. Other employees shall be eligible in accordance with applicable collective bargaining agreements. In order to participate, employees must file a written election.

**3. ADMINISTRATION.** The plan shall be administered under the supervision of the department of employee relations. The master agreement governing the plan shall be approved by the common council. The treasurer shall be the custodian of funds held by the city under the plan. The city may contract with a third party administrator and any such agreement shall be subject to common council approval.

**350-206. Tuition Benefits; Management Pay Plan Employees.** Employees in the management pay plan shall be eligible for tuition benefits relating to tuition, laboratory fees and required textbooks. For the 2009 calendar year, tuition benefits shall be \$1,200. The following provisions apply:

1. Up to \$500 of tuition benefits per year may be used for job-related certifications or license fees.

2. Up to a maximum of \$1,200 in tuition benefits may be used for membership dues during the 2009 calendar year.

**350-207. Bonds for Officers and Employees.**

**1. CITY TREASURER AND DEPUTY.** Before entering upon the duties of their respective offices, the city treasurer and the deputy city treasurer shall each be covered by corporate surety bonds in the amount of \$200,000 executed to the city of Milwaukee. The bonds shall be official bonds subject to ch. 19, Wis. Stats. The common council, by resolution, may require that the said officers be covered by new and additional bonds and may remove either or both of them from office for failing to be covered by proper bonds. The cost of the bonds shall be paid by the city.

**2. OTHER OFFICERS AND EMPLOYEES.** Pursuant to s. 3-22 of the city charter, the common council, by resolution, may require that other officers and employees be covered by faithful performance or honesty type bonds, either in individual form or under a blanket bond, or both, and may remove any of them from office for failing to be covered by proper bonds. The cost of such bonds shall be paid by the city.

**3. APPROVAL.** All bonds shall be approved as to form and execution by the city attorney.

**350-209. Hours of Labor of City Employees.**

**1. EIGHT HOUR DAY.** The basic workday of all employees of the city of Milwaukee shall consist of 8 hours out of the calendar day. As far as it is practicable this workday shall conform with the established hours of business. This conformity shall not interfere with the special time schedules governing departments operating more than 8 hours in each calendar day, nor shall this provision for an 8 hour day for city employees be construed as prohibiting the creation of part-time employment or the establishment of rotative, staggered or shortened work periods.

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**2. FIVE-DAY WEEK ESTABLISHED.** The service week of every employe or officer of the city shall be limited to 5 days' employment or duty per week, except in cases where such reduction would conflict with some legal requirement. So far as is practicable the days on which employes and officials shall not be required to work shall be Saturdays and Sundays in order to provide uniformity and an opportunity to take advantage of the economies of a complete shutdown of city activities. Where the regular schedule of departmental operation requires work on these days, this work shall not be considered overtime work, and the employe shall be entitled to time off during such periods as the department head may designate.

**350-211. Political Activity Prohibited.** **1. BY DEPARTMENTS, BOARDS, ETC.** The heads of city departments, bureaus, boards and commissions or any member of their respective departments, bureaus, boards and commissions, in their official capacities, are prohibited from recommending any changes or amendments of the laws of the state of Wisconsin to the legislature of the state of Wisconsin, or to any committee of the legislature, or to any member of the state legislature of the state of Wisconsin, or from recommending to the Wisconsin department of industry, labor and human relations, or to any employe of Wisconsin department of industry, labor and human relations any changes in the Wisconsin state building code adopted by the department in discharge of its duties under ch. 101, Wis. Stats., without first submitting to the common council any changes or amendments of the laws of the state of Wisconsin or of the state building code, and obtaining the approval of and a directive from said common council.

**2. PENALTY.** Willful violation of this section by any officer or employe shall be considered a cause for discharge, suspension or demotion subject to the law and rules regulating such actions.

**350-213. Defense of City Officials and Employees.** **1. TO DEFEND CIVIL ACTIONS.** The city attorney is authorized to defend civil actions brought against any officer or employe of the city, or of any board or commission thereof, growing out of any acts done in the course of his employment or out of any alleged

breach of his duty as such officer or employe, excepting action brought to determine the right of such officer or employe to hold or retain his office or position, and excepting also actions brought by the city against any officer or employe thereof.

**2. CITY ATTORNEY LIABILITIES.** Nothing contained in this section, nor any action taken by the city attorney pursuant to the provisions hereof, shall be construed to impose any liability, either for costs, damages or otherwise, upon the city or the city attorney, nor to obligate the city or city attorney to pay any cost or expenses in conducting the defense of any such action, it being the intention merely to authorize the city to furnish legal services to its officers and employes in the case mentioned without incurring any other or further obligations.

**350-215. Photographs of Property.** Every officer or employe of the city who is about to cause to be taken any photograph of property in connection with any public work shall consult with the city attorney relative to those to be taken if it is apparent that the property or project may be involved in litigation.

**350-217. Refusal to Pay Judgment; Employee to be Discharged.** Every officer, clerk, assistant or employe of the city who shall refuse and neglect to pay and satisfy any final judgment rendered against him in a court of justice for any debt incurred or contracted by him for and during his appointment and employment as such officer, clerk, assistant or employe, shall be discharged from the service of the city. It shall be the duty of the chiefs of the several departments to discharge every officer, clerk, assistant or employe serving in their respective departments upon any information duly filed with them, verified by the affidavit of the person or persons making the same, setting forth the facts, and that the said officer or employe made default in the payment of such judgment or judgments or any part thereof, as the case may be; provided, that no such officer, assistant, clerk or employe shall be compelled to pay in any one month on account of such judgment or judgments a larger sum than 1/3 of the amount of the monthly salary of compensation he receives from the city; and, provided further, that the provisions of this section shall not apply to any officer or

employee of the city who shall pay or cause to be paid every month 1/3 of his monthly salary or compensation until such judgment or judgments shall be fully paid and satisfied.

**350-219. Participation in Governmental, Professional, Technical and Community Organizations.** 1. POLICY. City employees are encouraged to participate in governmental, professional, technical and community organizations for purposes of performing public service and to enhance their job performance and thereby improve the efficiency of city operations.

2. GOVERNMENTAL ACTIVITIES. City department, division and bureau heads shall grant time off with pay up to 32 hours per year to employees appointed or elected to city, county, state or federal boards, commissions or committees for official meetings and functions of such bodies during regularly scheduled working hours. Time off with pay shall be granted only if the employee gives 48 hours notice requesting time off for such activities. Employees may be permitted additional time off with pay beyond 32 hours per year for attendance at meetings for the purpose of carrying out the business of a board, commission or committee or for attending conferences necessary to the efficient discharge of the duties and responsibilities of a board, commission or committee if approved of by the finance and personnel committee upon receipt of a written request from a board, commission or committee requesting such additional time off with pay for an employee. Overtime pay as provided under this chapter shall be allowed if participation on the board, commission or committee is an extension of the employee's regular job.

3. NONGOVERNMENTAL ACTIVITIES. City department, division and bureau heads may grant up to 32 hours of time off with pay per year to employees to attend meetings of job-related governmental, professional, technical or community organizations. Permission shall be in writing and shall be granted only if the employee gives 48 hours notice requesting time off for such activities. Employees may be permitted additional time off with or without pay under this section if approved by the finance and personnel committee upon the written request from the organization requesting the additional time off. No overtime pay shall be allowed for such activities.

**350-221. Identification Badges.** 1. BADGES TO BE WORN. a. By City Employees. All city employees other than members of the police force who enter residences or business places in the city for the purpose of performing inspections or other related services shall be required as a condition of obtaining access to such residence or business to wear an identification badge bearing the photograph, name and/or employee number and that such person be designated as an employee of the city. Such badge shall be worn on the front part of the employee's outer garment so that the same shall be easily visible at all times during the performance of such employee inspection or other related duties. This section shall not apply to inspectional personnel of the health department while in performance of job duties which require anonymity.

b. By Public Utility Employees. All employees of public utilities, as such term is defined in s. 196.01, Wis. Stats., who enter residences or business places in the city for the purpose of performing either inspectional service, or in the performance of any duty relating to the operation of such public utility or for the purpose of checking or installing any facility or appliance for which service is provided or is required to be provided by such public utility, shall be required as a condition of obtaining access to such residence or business to wear an identification badge which bears a photograph, name and/or employee number that such person be designated as an employee of a particular public utility. Such badge shall be worn on the front part of the employee's outer garment so that the same shall be easily visible at all times during the performance of the acts referred to in this section.

2. PENALTY. Any person found guilty of violating sub. 1 shall be punished by a fine of not less than \$25 nor more than \$50.

**350-223. Civil Service in City Attorney's Office.** 1. CIVIL SERVICE STATUS. Pursuant to s. 63.29, Wis. Stats., all persons engaged full time in duties in the office of the city attorney, except only the city attorney, the deputy of the city attorney appointed pursuant to sub. 2, and the law clerk, shall have civil service status and tenure and shall be subject to all city civil service provisions. All attorneys presently engaged full time in duties in the office of the city attorney, except only the city attorney and law clerk, shall be given a civil service status

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and tenure without examination; provided that within 15 days after the effective date of this ordinance each such attorney respectively shall file an affidavit attesting to the fact that he is an attorney and is presently engaged full time in the duties in the office of the city attorney and shall also file in writing an acceptance of such civil service status and tenure with the city service commission, and provided further that the attorneys who have not completed 3 years of service in that office shall be subject to a 3-year probationary period computed by including all service from the date of their first appointment to any position in that office. The position of first assistant city attorney, the incumbent of which is covered by the city civil service provisions of this ordinance, is reclassified to Attorney V in the same pay range.

**2. DEPUTY CITY ATTORNEYS.** There are created 4 positions of deputy city attorney who shall be appointed by the city attorney and such positions shall not be under civil service, and the city attorney shall be responsible for all the acts of such deputy city attorneys. The deputy city attorneys may be selected from among the assistant city attorneys in the office of the city attorney, and, if so selected from among such group, while serving as deputy city attorneys, such assistants shall continue to retain their civil service status and tenure provided for in this section. The deputy city attorneys shall be required to take the oath of office as provided in the charter and may perform all duties and have all responsibilities which are imposed by law in the ordinances and charter ordinances of the city on the city attorney.

**3. NEW APPLICANTS.** All persons hereinafter appointed to positions in the office of the city attorney covered by the civil service provisions of this section shall be appointed under applicable provisions of the Milwaukee city civil service law and shall retain such status, provided that the attorneys shall have completed a 3-year probationary period of service in the city attorney's office computed by including all service from the date of their first appointment to any position in that office.

**350-225. Benefits for Certain Assistant City Attorneys. 1. BENEFITS.** Except as provided in sub. 2, an assistant city attorney who is excluded from the bargaining unit represented by the Association of Municipal Attorneys because of probationary or confidential status shall be covered by the benefits provided in the effective agreement between the city and the Association of Municipal Attorneys.

**2. EXCEPTIONS.** a. While on probation, an assistant city attorney shall earn sick leave credit as provided in the effective agreement between the city and the Association of Municipal Attorneys from date of hire, but any such sick leave credit shall not be used until after completing 6 months of employment.

b. While on probation, an assistant city attorney shall earn vacation as provided in the effective agreement between the city and the Association of Municipal Attorneys but shall not be eligible to take vacation until 12 months of active service is completed. An employee whose service is expected to continue so as to complete a year's active service may, after 6 months of active service and at the sole discretion of the city attorney, be allowed to take vacation time within the year of appointment. However, if the employee leaves the service of the city before completion of the initial 12-month period, that vacation shall be deemed unearned and payment made during the vacation shall be deducted upon termination of employment.

**350-229. Rotative Employment System.**

1. ESTABLISHED. The city service commission is authorized and directed, subject to approval by the common council, to establish a system of rotative service, rotative lay-offs, staggered employment, furloughs without pay, shortened work days, and part time work for all positions in the classified service of all departments, bureaus, boards and commissions where there has been staff reduction due to budget reductions or operating economies and where there are several persons holding positions of the same title or positions in which the duties may be performed efficiently by persons having different titles in the judgment of the head of the department, bureau, board or commission, and of the city service commission.

2. AUTHORITY. The city service commission shall establish such systems upon the request of the common council, or upon the request of the head of the department, bureau, division, board or commission, and after a public hearing, notice of which shall be given to all employees who might be affected by the decision. A full statement of any action of the commission in exercising this authority, together with a list of the positions and employees affected, shall be included in its minutes. The commission is also authorized to revoke or modify its action in the same manner as it was originally exercised.

3. SERVICE RATING, ETC. Nothing in this section shall be construed to prevent the establishment of a system of service ratings, or to limit the right of discharge, suspension, discipline or appeal.

**4. COMPENSATION, ETC.**

Incumbents of positions placed upon a rotative, part time, shortened work day or staggered schedule of work, the compensation of which is fixed by ordinance or resolution upon a daily, monthly or annual basis, shall be paid a proportionate share of such salary or wage.

**350-231. Application of Specifications for Personnel Service.** The specifications for personnel service shall apply to all authorized offices and employment in the departments, bureaus, institutions, boards and commissions of the city government under control of the common council, and shall supersede all grouping of employment inconsistent therewith and shall be applied subject to the conditions and regulations included in ss. 350-112, 350-114, 350-231 to 350-235, 350-241 and 250-243.

**350-233. Extent of Application for Specifications for Personnel Service.** The specifications for personnel service shall apply in their entirety to all offices and employments in the city service to be filled after this chapter takes effect and shall not affect present civil service employees except as herein provided. The specifications for personnel service shall not in themselves be construed to define, or prescribe the organization or procedure under which employees shall work, or to limit or restrict the responsible administrative officials in exercising supervision or assigning such other duties as may be necessary in case of emergency.

**350-235. Request for New Positions. 1. TO BE SENT TO CITY SERVICE.** All departmental requests for new positions or of proposed changes in the standard specifications affecting existing positions shall be sent by the department head to the city service commission before submission to the common council. In such requests the department head shall set forth clearly the duties, qualifications and other matters affecting the classification, title, grade and compensation and the necessity for the creation of the new position or of such changes affecting the existing position.

**2. TO BE INVESTIGATED.** Upon receipt of such statement the city service

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commission shall promptly investigate and determine whether the position is in fact new or whether the changes so far as they affect the classification, title, duties and qualifications and compensations of the existing position are in accordance with the standard specifications for personnel service and the civil service law, rules and regulations. No office or employment shall be considered new unless the duties thereof are found by the city service commission to be substantially different from those of every other existing position in the city service.

**3. COMMISSION TO SUBMIT REPORT.** The city service commission shall submit a report to the common council of its approval or disapproval and indicate the purposes of the changes as they affect the classification, title, duties and qualifications of the position, and so far as they affect changes in the civil service compensation grade, which has been established only as a guide for the new position or the existing position. When the commission shall find any office or employment to be in fact new or shall find the requested changes affecting any existing position to be in accordance with the standards in the specifications for personnel service and the civil service rules and regulations, the commission shall classify such position under the appropriate service, grade and title provided in the specifications for personnel service. The standard titles shall be used to designate the position in all reports to and records of the city service commission and in all payrolls or accounts of salaries and wages submitted to the commission for check and certification as to legality of employment and to the city comptroller and treasurer for payment.

#### **350-237. Exclusion from Benefits.**

**1. BENEFITS EXCLUDED.** Except as specifically provided, any employee who is hired on a provisional, emergency, part-time, temporary, or student-aide type basis, or as a city laborer (seasonal) or as a volunteer auxiliary police officer shall not be eligible for the following employment benefits:

- a. Vacation with pay.
- b. Additional off-days with pay.
- c. Sick leave with pay.
- d. Funeral leave with pay.
- e. Injury pay.

- f. Holiday pay.
- g. Holiday differential pay.
- h. Shift differential pay.
- i. Weekend differential pay.
- j. Jury duty with pay.
- k. Military training and civil disturbance leave of absence with pay.
- L. Hospital, surgical, and major medical insurance.
- m. Group life insurance.
- n. All other benefits not specifically listed in this section.

**1.5. EXCEPTION.** a. Notwithstanding sub. 1, city laborers (seasonal) represented by District Council No. 48, AFSCME, AFL-CIO, and employees represented by Public Employees' Union No. 61, LIUNA, AFL-CIO, CLC, shall be eligible for benefits under sub. 1-L on the same basis as permanent city employees, pursuant to s. 350-30-4.

b. Notwithstanding sub. 1, city laborers (seasonal) represented by Public Employees' Union No. 61, LIUNA, AFL-CIO, CLC, shall be eligible for benefits under sub. 1-m on the same basis as permanent city employees, pursuant to s. 350-25-3.

c. Employees represented by Public Employees' Union No. 61, LIUNA, AFL-CIO, CLC, shall begin to earn vacation benefits effective January 1, 1995. Said employees may take such vacation time earned upon becoming regular (worked 2,080 hours).

d. Employees represented by District Council No. 48, AFSCME, AFL-CIO, shall begin to earn vacation benefits effective November 19, 1995. Said employees may take such vacation time earned upon becoming regular (worked 2,080 hours).

**2. BENEFITS PROVIDED.** Those employees listed under sub. 1 shall be eligible for the following employment benefits, but only when and to the extent provided for in other ordinances or statutes:

- a. Salary increments.
- b. Overtime in cash or compensatory time off.
- c. Call in pay and owed time.
- d. Workmen's compensation.
- e. Retirement benefits.
- f. Pay during time off for military induction exams.



3. DEFINITIONS. a. A permanent employe who receives a provisional or emergency appointment shall not lose rights to any employment benefits.

b. Part-time employment is defined as employment which averages 20 hours per week or less.

c. Temporary employment is defined as employment which averages 6 months per year or less, and which does not lead toward year-around employment.

d. Provisional and emergency appointments are defined in the city civil service rules.

4. APPLICATION AND ADMINISTRATION. a. Employees on the payroll prior to January, 1966, shall not lose any of the benefits now provided to them, except that any person, regardless of their date of placement on the city's payroll, who attained status in the city's central clerical pool on or after December 30, 1973, shall not be entitled to any of the employment benefits listed in sub. 1, as long as they retained status in the clerical pool. In addition, if any employe with status conferred via the clerical pool who is currently receiving the benefits listed in sub. 1 because they meet the criteria set forth in sub. 3 ceases to qualify for such benefits according to sub. 3, that employe will under no condition be eligible to receive such benefits.

b. The office of the director of employe relations shall administer the provisions of this section.

c. No provision of this section shall be construed to prevent elected and appointed city officers from accruing all benefits, including sick leave, but excluding salary increments, listed in subs. 1 and 2 from which they are not otherwise excluded by state statute, and such officials shall accrue such benefits in a like manner as all other city employes who are eligible, and the terms of office of such officials shall be deemed as periods of employment with the city of Milwaukee for purposes of such accrual.

d. The director of employe relations is authorized to accept a statement from such elected or appointed city officers concerning sick leave usage and balance as needed to determine sick leave accruals.

e. Elected and appointed city officers, and former elected and appointed city officers who are currently employees of the city, are covered by this section.

f-1. Notwithstanding the provisions of sub. 1, limited benefits related to vacations, holidays, sick leave, funeral leave, jury duty with pay, 09 days and health insurance shall be provided to employes holding positions which are identified in the city's visual organization inventory as nonmanagement/nonrepresented. In addition, employes holding positions represented by a collective bargaining unit shall also be provided with limited benefits according to the terms of the collective bargaining agreement between the city and their union. Such limited benefits will be provided only for those employes who work an average of 20 hours per week on a year-round basis, only during the period of actual employment and in positions which are budgeted at half-time or more, including nurses who work half-time during the school year.

f-2. Notwithstanding the provisions of sub. 1, employes holding positions in the career internship program shall receive the limited benefits stated in subd. 1 for nonmanagement/nonrepresented positions, on a prorated basis, as determined by the director of employe relations.

f-3. Notwithstanding the provisions of sub. 1, management employes shall receive the limited benefits stated in subd. 1. Such limited benefits will be provided only for these employes who work an average of 20 hours per week on a year-round basis, only during the period of actual employment, and in positions which are budgeted at half-time or more.

g. Employees hired on or after July 1, 1982, to fill the positions of temporary clerk III, temporary clerk II, temporary typist II, and accounting aide in the office of the city treasurer, shall not receive any employment benefits listed in sub. 1 regardless of their previous employment status in the city service. Employees in the city treasurer's office who had previously worked in these positions prior to July 1, 1982, shall retain their benefits status.

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**350-239. Promotion from Grade to Grade.** Promotion from one grade to the next higher grade of positions in the classified civil service shall involve a change of duties and shall be made only when a vacancy has been created by resignation, transfer, death or dismissal, or when a new position shall have been created. Promotion shall only be made after a competitive civil service examination.

**350-241. Grievance Procedures. 1. CITY SERVICE OFFICIAL AGENCY.** The city service commission is designated as the official agency for the settlement of employee complaints or requests not involving changes in salaries, fringe benefits, or overtime, and overtime allowances, and not involving other matters requiring action by the common council or the finance and personnel committee, or requiring action by the board of city service commissioners as prescribed in ch. 63, Wis. Stats., and the rules adopted to carry out the purpose of the law, except that in cases involving the public library and employees' retirement system, the final appeal shall be to the boards governing these institutions rather than to the city service commission.

**2. PROCEDURES.** The board of city service commissioners is authorized to establish grievance procedures, to adopt rules and regulations to carry out the intent of the common council as indicated in a report of the special grievance committee to finance and personnel under date of July 26, 1954, which is attached and submitted as Appendix A as the procedure to the commission in adopting necessary rules, regulations and procedures and in adopting uniform policies for carrying out the personnel policies established in the ordinances of the common council.

**3. REPORTS.** The commission is directed to report semiannually to the mayor and common council the result of using this procedure.

**4. LABOR ORGANIZATION GRIEVANCES.** The provisions of this section shall not apply in any case in which the city and a certified or recognized labor organization have included a separate grievance procedure in a written contract.

**350-243. Relocation Expense Reimbursement.** City departments may pay relocation expenses on a reimbursement basis from their budgets for non-local candidates selected for department head, deputy department head or other city positions for which recruitment outside the local area is required in order to attract a representative pool of well-qualified candidates provided:

**1.** This decision is based on the quality of that candidate versus the local candidates being considered and whether the individual's acceptance of the position is contingent upon payment of relocation expenses.

**2.** Such expenses are a cost of filling a position vacancy and may be financed from vacancy savings or other savings in departmental budgets.

**3.** The allowable reimbursement for relocation expenses shall not exceed 10% of the midpoint of the salary range of the person being hired.

**4.** The payment is appropriate and necessary and made in accordance with appropriate procedural guidelines developed by the department of employee relations and approved by common council resolution.

**5.** The department of employee relations, with the concurrence of the chair or vice chair of the finance and personnel committee, authorizes payment of relocation expenses.

**6.** That requests for payment of relocation expenses are made no later than 90 days after the actual move of the person being hired.

**7.** That requests for payment of relocation expenses are sent to the director of employee relations who shall forward them to the chair or vice-chair of the finance and personnel committee.

**350-245. Domestic Partnership Registration. 1. REGISTRATION AUTHORIZED.** Any 2 individuals, one or each of whom is a city employee, who meet the requirements of this section may register as a domestic partnership as provided in this section.

**2. APPLICATION.** Individuals who seek to register as a domestic partnership shall appear in person in the department of employe relations and complete and sign an application form provided by the department, which shall include a declaration of domestic partnership, additional agreements, a declaration of a condition of domestic partnership and an affirmation, as provided in subs. 3 to 6.

**3. DECLARATION OF DOMESTIC PARTNERSHIP.** Applicants for registration shall sign a declaration of domestic partnership stating that they:

- a. Are in a domestic relationship of mutual support, caring and commitment, and intend to remain in that relationship.
- b. Are 18 years of age or older and competent to enter into a contract.
- c. Are not married.
- d. Are not related by kinship to a degree that would bar marriage in this state.
- e. Reside together in the city.
- f. Have not been in a registered domestic partnership with another individual during the 12 months immediately prior to the application date unless that domestic partnership was terminated by death or marriage.

**4. ADDITIONAL AGREEMENTS.** In addition, applicants shall agree that they:

- a. Understand that their registration as domestic partners is a matter of public record.
- b. Agree to notify the department of any change in the status of the domestic partnership and to file a termination notice when appropriate.

**5. CONDITIONS OF DOMESTIC PARTNERSHIP.** The applicants shall declare that they possess at least 3 of the following conditions of domestic partnership:

- a. They have common or joint ownership of a residence.
- b. They have a current lease for a residence identifying both applicants as tenants.
- c. They jointly own a motor vehicle.
- d. They have a joint bank or credit union account.
- e. They have a joint credit account.
- f. They have identified each other as primary beneficiaries in their wills.

**6. AFFIRMATION.** Each applicant shall swear or affirm, subject to the penalties for false statements of s. 946.32, Wis. Stats., that the information declared and stated in the application for domestic partnership is true and correct to the best of his or her knowledge.

**7. VERIFICATION.** The department shall verify the age, identity and city residence of applicants for domestic partnership. The department may require such reasonable documentation as may be necessary to verify the claims made by those seeking to register a domestic partnership. If a previous domestic partnership was terminated by death or marriage, an applicant may be required to submit proof satisfactory to the department of the death or marriage.

**8. TERMINATION.** A domestic partnership is terminated by any of the following:

- a. The death of one of the partners.
- b. The marriage of one of the partners.
- c. The filing of a termination statement. Either domestic partner may terminate a domestic partnership by submitting to the department a termination statement on a form provided by the department. The termination form shall either be signed by both domestic partners or shall include a statement by the terminating domestic partner that he or she has mailed or personally delivered a copy of the termination statement to the other domestic partner, or that he or she does not know the location of the other domestic partner.

**9. RE-REGISTRATION.** An individual whose domestic partnership has been terminated under sub. 8 may not file another declaration of domestic partnership under this section until at least 12 months after the date on which the department received the termination statement.

**10. PRIOR REGISTRATIONS.** Any individuals registered under s. 111-3-10, in effect prior to October 30, 2009, shall be considered registered under this section and subject to its requirements.

**11. INTENT.** This section is not intended to make any provisions of state law which relate to partnerships, particularly the uniform partnership act and the uniform limited partnership act, chs. 178 and 179, Wis. Stats., or ch. 770, Wis. Stats., relating to domestic partnership, apply to domestic partnerships registered under this section.

## **350- Employee Regulations and Benefits**

"For legislative history of chapter 350, contact the Legislative Reference Bureau."

**[Pages 1007 to 1090 are blank]**